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7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEVADA**

9 **ERIN ROBERTSON**, individually and on  
behalf of all others similarly situated,

10 Plaintiff,

11 v.

12 **INSURANCE PIPELINE, INC.**, a Florida  
corporation,

13 Defendant.

Case No.: 3:25-cv-00294

14 **CLASS ACTION COMPLAINT**

15 **JURY TRIAL DEMANDED**

16 1. Plaintiff Erin Robertson (“Plaintiff” or “Robertson”) bring this Class Action  
17 Complaint against Defendant Insurance Pipeline, Inc. (“Defendant” or “Insurance Pipeline”) to:  
18 (1) stop Insurance Pipeline’s practice of violating the Telephone Consumer Protection Act’s, 47  
19 U.S.C. § 227 *et seq.*, (“TCPA”) “Quiet Hour Restrictions” while sending text message telephone  
20 solicitations to the cellular telephones of consumers who have placed their numbers on the  
21 National Do Not Call Registry; (2) enjoin Insurance Pipeline from continuing to send such text  
22 message solicitations to consumers before 8 a.m. local time or after 9 p.m. local time, and (3)  
23 obtain redress for all persons injured by Defendant’s conduct. Plaintiff seeks an award of statutory  
24 damages pursuant to the TCPA for herself and the members of the alleged Class.

25 2. Plaintiff, for her Complaint, alleges as follows upon personal knowledge as to  
26 herself and her own acts and experiences, and, as to all other matters, upon information and belief,  
27 including investigation conducted by her attorneys.

## PARTIES

3. Plaintiff Robertson is a natural person over the age of eighteen (18). She resides in Reno, Washoe County, Nevada.

4. Defendant Insurance Pipeline, Inc. is a Florida corporation which has its principal place of business located in Fort Lauderdale, FL. Insurance Pipeline conducts business throughout this District, the State of Nevada, and the United States.

## JURISDICTION & VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. §227, *et seq.*, a federal statute.

6. The Court also has jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d), *et seq.* (“CAFA”) because there are over 100 class members, there is minimal diversity, and there is over \$5,000,000 at issue when the claims of the Class are aggregated. And none of the exceptions to CAFA apply.

7. This Court has personal jurisdiction over Insurance Pipeline because it solicits significant business in this District and a significant portion of the unlawful conduct alleged in this Complaint occurred in and/or was directed to this District.

8. Venue is proper pursuant to 28 U.S.C. § 1391(b) because Insurance Pipeline conducts a significant amount of consumer business within this District, Plaintiff is located within this District, and because a portion of the wrongful conduct giving rise to this case occurred in and/or was directed to this District.

## **COMMON ALLEGATIONS OF FACT**

9. Insurance Pipeline is a Florida corporation in the business of selling health insurance policies nationwide.

10. As the Supreme Court recently explained, “Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The Federal Government

1 receives a staggering number of complaints about robocalls—3.7 million complaints in 2019  
 2 alone. The States likewise field a constant barrage of complaints. For nearly 30 years, the  
 3 people’s representatives in Congress have been fighting back.” *Barr v. Am. Ass’n of Political*  
 4 *Consultants*, 140 S. Ct. 2335, 2343 (2020).

5       11. As one Senate sponsor of the TCPA colorfully put it back in 1991, telemarketing  
 6 spam calls are “the scourge of modern civilization. They wake us up in the morning; they  
 7 interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we  
 8 want to rip the telephone right out of the wall”. 137 Cong. Rec. 30821 (1991).

9       12. As part of the rules and regulations aimed at ending this “scourge of modern  
 10 civilization,” the National Do Not Call (“DNC”) Registry allows consumers to register their  
 11 telephone numbers and thereby indicate their desire not to receive telephone solicitations at those  
 12 numbers. *See* 47 C.F.R. § 64.1200(c)(2). A listing on the DNC “must be honored indefinitely, or  
 13 until the registration is cancelled by the consumer or the telephone number is removed by the  
 14 database administrator.” *Id.*

15       13. Another important protection—and the one specifically at issue in this case—is the  
 16 TCPA’s “Quiet Time Restrictions” found in 47 C.F.R. § 64.1200(c)(1). The Quiet Time  
 17 Restrictions unambiguously state that “[n]o person or entity shall initiate any telephone  
 18 solicitation” to “[a]ny residential telephone subscriber before the hour of 8 a.m. or after 9 p.m.  
 19 (local time at the called party’s location)”. *Id.*

20       14. As part of its business practice, Insurance Pipeline sends telemarketing solicitation  
 21 text messages to consumers. Unfortunately for consumers, Insurance Pipeline sends at least some  
 22 of these messages before 8 a.m. or after 9 p.m. local time at the call party’s location.

23       15. At all times material to this Complaint, Insurance Pipeline was and is fully aware  
 24 that unsolicited text messages solicitations are being made to consumers’ cellular telephones in  
 25 violation of the Quiet Time Restrictions through its own efforts and/or that of its agents.

26       16. Defendant knowingly made (and continues to make) unsolicited text message  
 27  
 28

1 solicitations in violation of the Quiet Time Restrictions, including to those consumers who placed  
2 their numbers on the DNC Registry specifically to avoid receipt of telemarketing solicitations. In  
3 doing so, Insurance Pipeline not only invaded the personal privacy of Plaintiff and members of  
4 the alleged Class, but also intentionally and repeated violated the TCPA.

5 **FACTS SPECIFIC TO PLAINTIFF ROBERTSON**

6 17. Plaintiff Robertson is the customary user of a personal cellular telephone number  
7 (775) xxx-4337. Robertson placed this number on the Do Not Call Registry on May 21, 2023  
8 specifically to avoid receiving telemarketing spam. This number is a residential, non-commercial,  
9 telephone number.

10 18. Robertson's area code, 775, is a Nevada telephone area code and, at all times  
11 relevant, Robertson has resided in Nevada.

12 19. Nevada is in the Pacific Time Zone.

13 20. Beginning in April 2024, Robertson received a series of unsolicited text messages  
14 from Insurance Pipeline sent from the number 844-512-0069 which, on information and belief,  
15 belongs to and/or is regularly used by Insurance Pipeline. The messages were all sent for the  
16 purpose of soliciting the purchase of one of Insurance Pipeline's insurance products and/or its  
17 insurance broker services.

18 21. Dates and times of these spam telephone solicitations include:

19 April 1, 2024 at 6:04 a.m. Pacific Time

20 April 2, 2024 at 6:27 a.m. Pacific Time

21 April 10, 2024 at 6:09 a.m. Pacific Time

22 April 11, 2024 (2 messages) at 6:04 a.m. Pacific Time

23 May 2, 2024 at 6:16 a.m. Pacific Time

24 May 6, 2024 (2 messages) at 6:03 a.m. Pacific Time

25 May 14, 2024 at 6:24 a.m. Pacific Time

26 June 3, 2024 (2 messages) at 7:10 a.m. Pacific Time

27

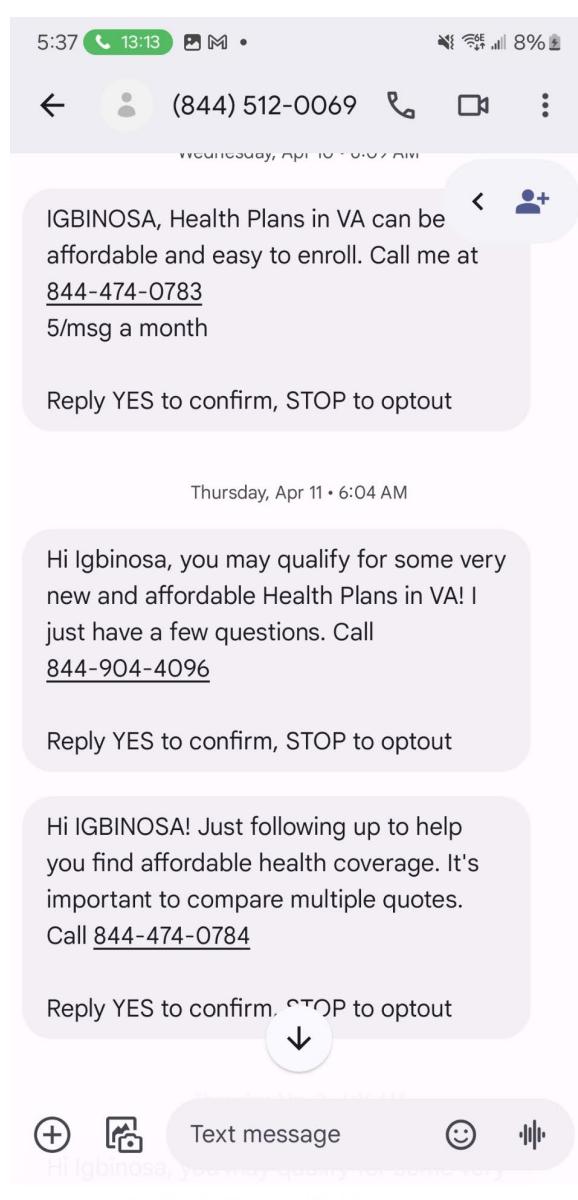
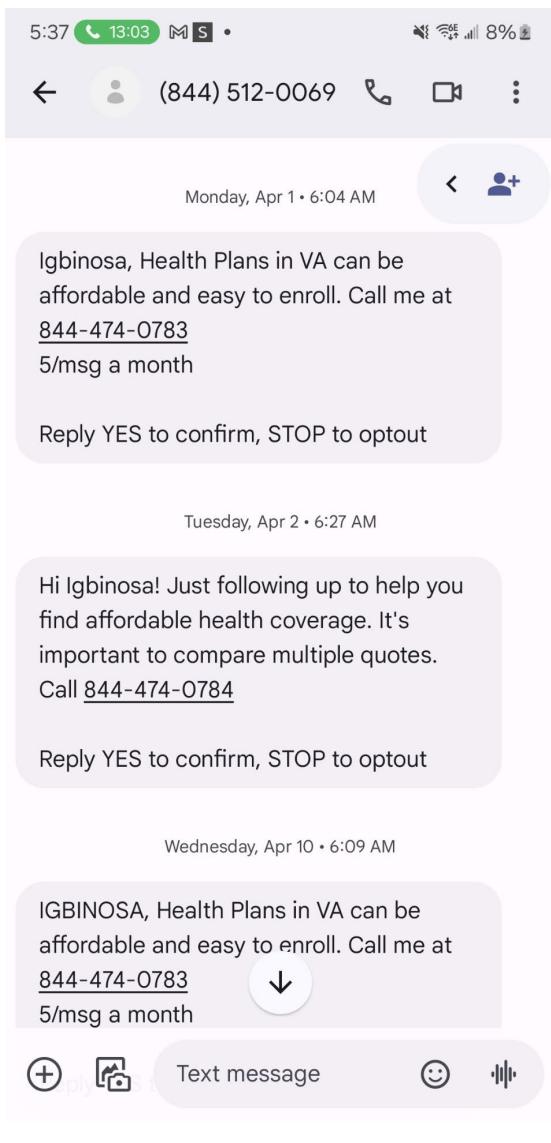
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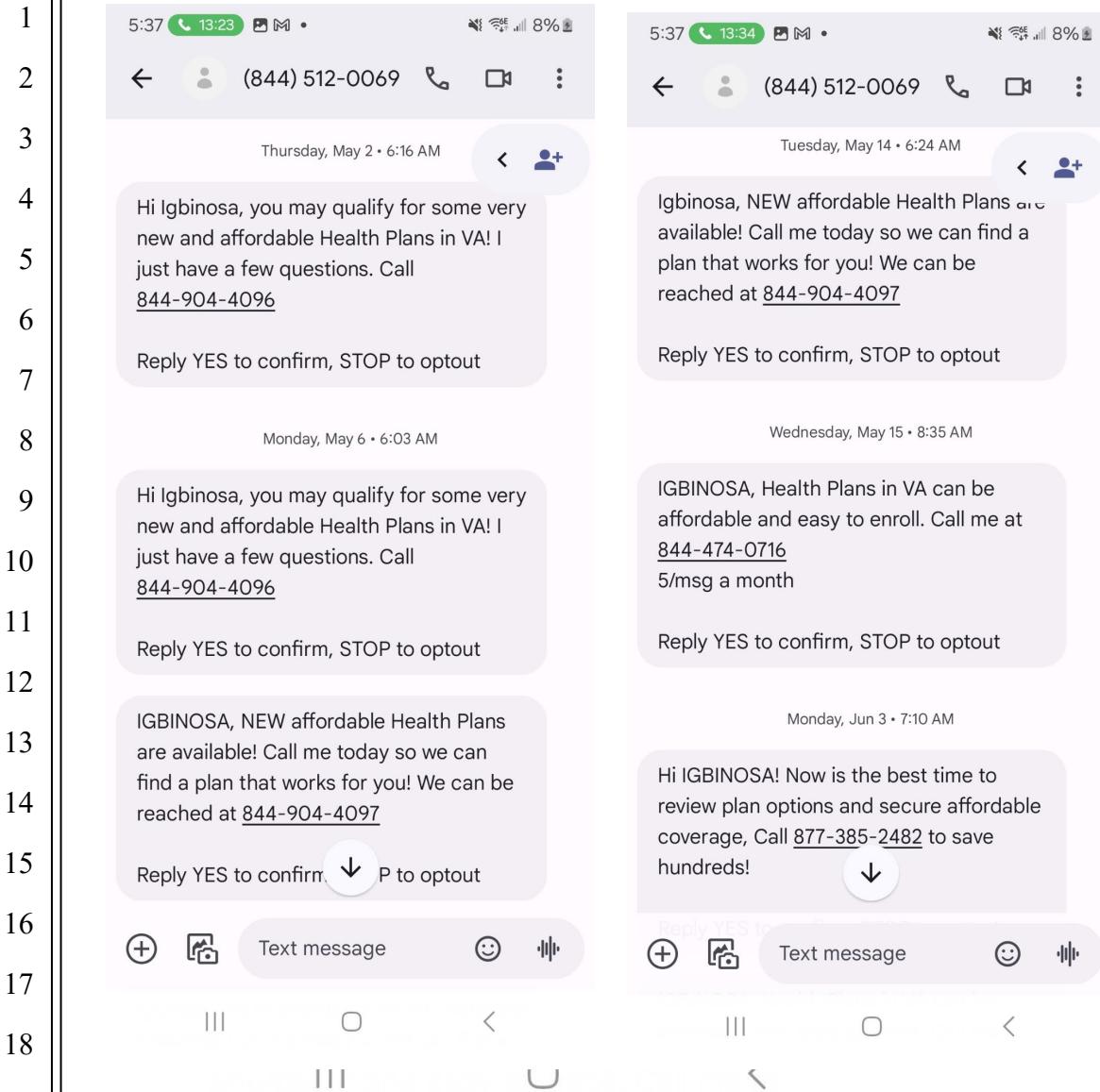
1                   June 4, 2024 at 6:00 a.m. Pacific Time

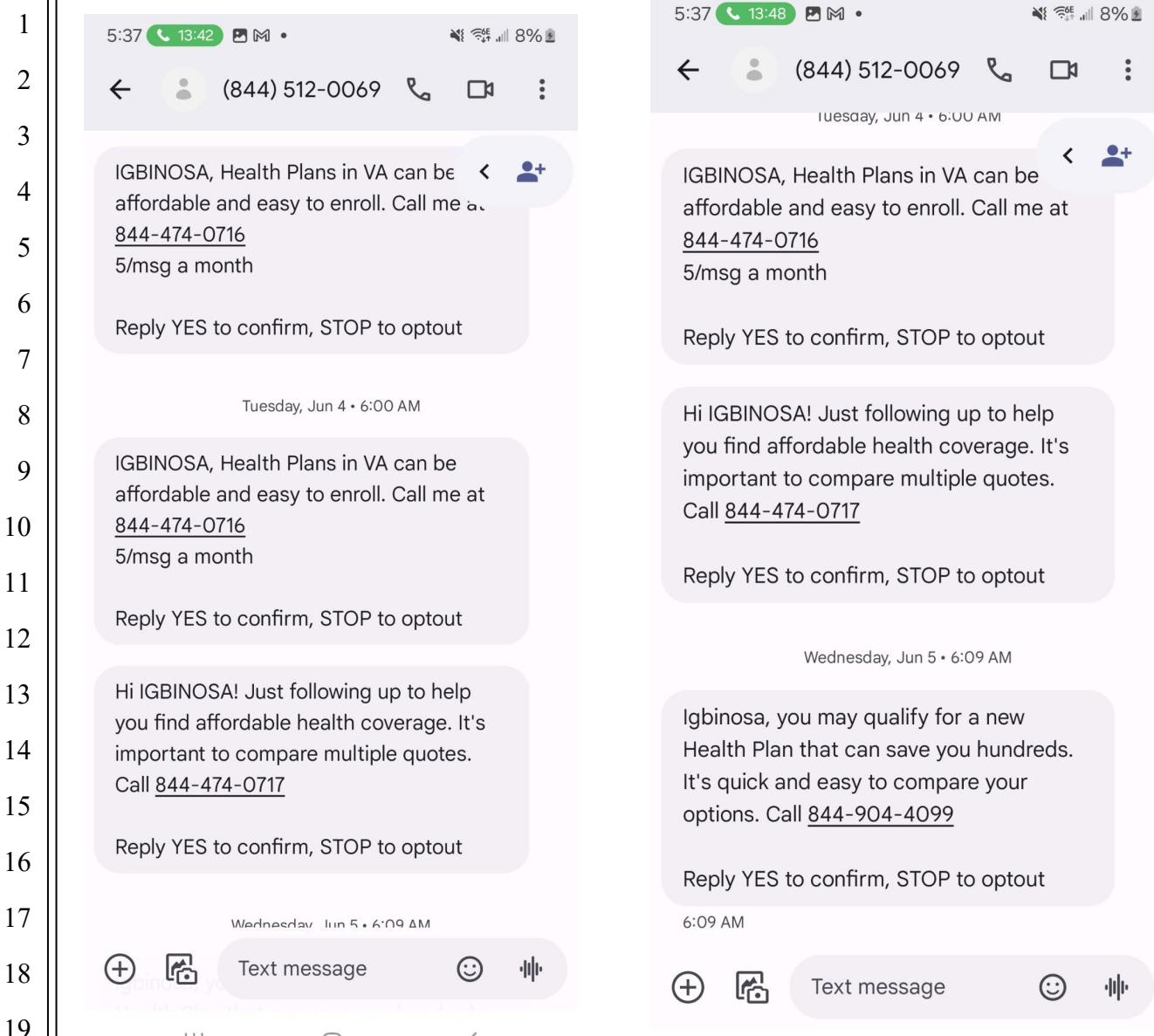
2                   June 5, 2024 at 6:09 a.m. Pacific Time

3       22. Many of the telephone solicitations were addressed to “Igbinosa”, which is not and  
4 has never been Plaintiff’s name.

5       23. Screenshots evidencing receipt of the messages and their content are produced  
6 below:







1 an inquiry with Insurance Pipeline.

2       28. Insurance Pipeline was, and is, aware that the above-described text message  
3 telephone solicitations were sent to consumers like Plaintiff at a time of day that violates the  
4 Quiet Time Restrictions.

5       29. By placing the unauthorized text messages alleged herein, Insurance Pipeline has  
6 caused Robertson and other consumers actual harm. This includes the aggravation, nuisance and  
7 invasions of privacy that result from the receipt of such messages early in the morning or late at  
8 night, in addition to the wear and tear on their telephones, consumption of battery life, and loss of  
9 value realized for the monies consumers paid to their wireless carriers for the receipt of such  
10 messages, in the form of the diminished use, enjoyment, value, and utility of their telephone  
11 plans. Furthermore, Defendant sent the texts knowing that they interfered with Plaintiff and the  
12 other class members' use and enjoyment of, and the ability to access, their cellphones, including  
13 all related data, software, and hardware components. The receipt of these messages also intrudes  
14 on consumers' right to seclusion.

#### CLASS ACTION ALLEGATIONS

15       30. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23(b)(2)  
16 and Rule 23(b)(3) on behalf of herself and the Class defined as follows:

17       All persons throughout the United States (1) to whom Insurance Pipeline delivered,  
18 or directed to be delivered, more than one text message within a 12 month period  
19 for purposes of encouraging the purchase of one of Insurance Pipeline's products or  
20 services, (2) from four-years prior to the filing of the initial complaint in this action  
21 through the date notice is disseminated to a certified class, and (3) where such  
22 telemarketing text messages were sent before the hour of 8 a.m. or after 9 p.m. local  
time at the recipient's location.

23       31. The following people are excluded from the Class: (1) any Judge or Magistrate  
24 presiding over this action and members of their families; (2) Insurance Pipeline, Insurance  
25 Pipeline's subsidiaries, parents, successors, predecessors, and any entity in which Insurance  
26 Pipeline or its parents have a controlling interest and its current or former employees, officers and  
27 directors; (3) persons who properly execute and file a timely request for exclusion from the Class;

(4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's counsel and Insurance Pipeline's counsel; and (6) the legal representatives, successors, and assignees of any such excluded persons.

32. **Numerosity:** The exact number of members within the Class is unknown and not available to Plaintiff at this time, but it is clear that individual joinder is impracticable. On information and belief, Insurance Pipeline (or its agents) has sent the telephone solicitations at issue to hundreds or thousands of consumers who fall into the defined Class. However, the exact number of members of the Class can be identified through reference to objective criteria, including Defendant's records.

33. **Typicality:** Plaintiff's claims are typical of the claims of other members of the Class, in that Plaintiff and the members of the Class sustained damages arising out of Insurance Pipeline's uniform wrongful conduct.

34. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Class, and she has retained counsel competent and experienced in complex class actions. Plaintiff has no interests antagonistic to those of the Class, and Insurance Pipeline has no defenses unique to Plaintiff.

35. **Commonality and Predominance:** There are many questions of law and fact common to the claims of Plaintiff and the Class, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include, but are not necessarily limited to the following:

- (a) Whether Insurance Pipeline's conduct violated the TCPA;
- (b) Whether Insurance Pipeline systematically sent more than one telephone solicitation text message to individuals at a time of day outside the parameters established by the Quiet Time Restrictions; and
- (c) The proper measure of damages, including whether treble damages are appropriate.

36. **Superiority:** This case is also appropriate for class certification because class proceedings are superior to all other available methods for the fair and efficient adjudication of this controversy. Joinder of all parties is impracticable, and the damages suffered by the individual members of the Class will likely be relatively small, especially given the burden and expense of individual prosecution of the complex litigation necessitated by Defendant’s actions. Thus, it would be virtually impossible for the individual members of the Class to obtain effective relief from Defendant’s misconduct. Even if members of the Class could sustain such individual litigation, it would still not be preferable to a class action, because individual litigation would increase the delay and expense to all parties due to the complex legal and factual controversies presented in this Complaint. By contrast, a class action presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single Court. Economies of time, effort and expense will be fostered and uniformity of decisions ensured.

## **FIRST CAUSE OF ACTION**

**Violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq.  
(On behalf of Plaintiff and the Class)**

37. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

38. The TCPA's implementing regulation, 47 C.F.R. § 64.1200(c), provides that “[n]o person or entity shall initiate any telephone solicitation” to “[a]ny residential telephone subscriber before the hour of 8 a.m. or after 9 p.m. (local time at the called party’s location)”. 47 C.F.R. § 64.1200(c)(1).

39. Any “person who has received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under this subsection may” may bring a private action based on a violation of said regulations, which were promulgated to protect telephone subscribers’ privacy rights to avoid receiving telephone solicitations to which they object. 47 U.S.C. § 227(c).

40. Insurance Pipeline violated 47 C.F.R. § 64.1200(c)(1) by initiating, or causing to be initiated, telephone solicitations to residential telephone subscribers such as Plaintiff before 8 a.m. or after 9 p.m. local time at the recipient's location.

41. Insurance Pipeline therefore violated 47 U.S.C. § 227(c)(5) because Plaintiff and the Class received more than one violative text message in a twelve-month period made by or on behalf of the Defendant in violation of 47 C.F.R. § 64.1200, as described above.

42. As a result of Insurance Pipeline's conduct as alleged herein, Plaintiff and the Class suffered actual damages and, under section 47 U.S.C. § 227(c), are entitled, inter alia, to receive up to \$500 in damages for such violations of 47 C.F.R. § 64.1200.

43. To the extent Insurance Pipeline's misconduct is determined to be willful and knowing, the Court should, pursuant to 47 U.S.C. § 227(c)(5), treble the amount of statutory damages recoverable by the members of the Class.

## **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, on behalf of herself and the Class, prays for the following relief:

A. An order certifying the Class as defined above, appointing Plaintiff as the representative of the Class, and appointing their counsel as Class Counsel;

B. An award of statutory damages in the amount of five hundred dollars (\$500.00) for each violation of the TCPA, trebled to \$1500 if willfulness is determined, to be paid into a common fund for the benefit of the Plaintiff and the Class;

D. An order declaring that Defendant's actions, as set out above, violate the TCPA:

E. An order enjoining Insurance Pipeline from all future unlawful telemarketing conduct:

F. An award of pre- and post-judgment interest:

G. An award of reasonable attorneys' fees and costs to be paid out of the common fund prayed for above; and

H. Such other and further relief that the Court deems reasonable and just.

**JURY DEMAND**

Plaintiff requests a trial by jury of all claims that can be so tried.

Respectfully submitted,

Dated: June 11, 2025

**ERIN ROBERTSON**, individually and on behalf of all others similarly situated,

By: /s/ Kevin L. Hernandez  
One of Plaintiff's Attorneys

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*\*Pro Hac Vice application to be filed*

*Attorneys for Plaintiff and the Alleged Class*